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Chapter 1 - Purpose and Need for Action

Document Structure

The Forest Service has prepared this Final Environmental Impact Statement (FEIS) in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations. This FEIS discloses the direct, indirect, and cumulative environmental impacts that would result from the proposed action and alternatives. The document is organized into four chapters and appendices:

Chapter 1 - Purpose and Need for Action: This chapter briefly describes the proposed action, the need for that action, and other purposes to be achieved by the proposal. This section also details how the Forest Service informed the public of the proposed action and how the public responded.

Chapter 2 - Alternatives, including the Proposed Action: This chapter provides a detailed description of the agency's proposed action as well as alternative actions that were developed in response to comments raised by the public during scoping. The end of the chapter includes a summary table comparing the proposed action and alternatives with respect to their environmental impacts.

Chapter 3 - Affected Environment and Environmental Consequences: This chapter describes the environmental impacts of the proposed action and alternatives.

Chapter 4 - Consultation and Coordination: This chapter provides a list of preparers and agencies consulted during the development of the environmental impact statement.

Appendices: The appendices provide more detailed information to support the analyses presented in the final environmental impact statement.

Additional documentation, including more detailed analyses of project-area resources, may be found in the project planning record located at High Sierra Ranger District, 29688 Auberry Road, Prather, CA 93651.

1.1 Background

This FEIS has been prepared to document and disclose the environmental impacts of a proposal to 1) re-issue long term permits for a variety of commercial pack stock related activities to seven existing Resort Special Use Permit holders (commercial service supported by horses and mules) and 2) establish the Trail Management Plan for the Dinkey Lakes Wilderness. The services as proposed would occur on the Sierra National Forest in the Ansel Adams (AA), John Muir (JM), Dinkey Lakes and Kaiser Wildernesses and non-wilderness portions of the Sierra National Forest. This FEIS tiers to the *2005 Record of Decision for the Trail and Commercial Pack Stock Management Plan EIS* for all activities and uses proposed in the AA and JM Wildernesses (hereafter referred to as 2005 Pack Stock Management EIS).

Primary services provided by pack stations include but are not limited to: full service guided trips (guide remains for the entire trip), dunnage trips (transport of material and

supplies), spot trips (transport of people and supplies to a location, guide leaves), and day rides.

In April 2000, a lawsuit concerning the effects of commercial pack stock use in the Ansel Adams/John Muir (AA/JM) Wildernesses was filed against the Sierra and Inyo National Forests in the Northern California U.S. District Court. The lawsuit alleged violations of the National Forest Management Act, NEPA, and the Wilderness Act. The judge found in favor of the plaintiffs on the NEPA claim. The Court determined that in authorizing the special use permits for the pack stations, the Forest Service failed to adequately document environmental impacts as required by the NEPA. A Court Order was issued that required the Forest Service to re-evaluate the existing management direction and impacts of commercial pack stock operations in the AA/JM Wildernesses. The Court also ordered that the special use permits issued to the commercial pack stations be analyzed in a subsequent NEPA analysis to be completed by December 2006.

In December 2005, the AA/JM ROD/FEIS was issued for commercial pack stock in the Ansel Adams and John Muir Wildernesses and included broad as well as site-specific management direction for these operations. The decisions in the ROD as well as the analysis included in the FEIS are incorporated by reference into this document. The ROD included a destination management strategy that considers the desired condition at the destination and establishes a quota that controls the frequency, intensity and location of use to each destination. Direction also includes designated campsites sites, stock numbers, grazing, and party size.

On the Sierra National Forest, seven pack stations continue to be authorized, with specified conditions and restrictions imposed by the court on their AA/JM Wilderness activities. The restrictions will remain in place until this NEPA analysis is completed and new special use permits are issued. Concurrent with the preparation of this FEIS, the Inyo National Forest is also analyzing the effects related to the issuance of special use permit to their pack stations that access portions of the AA/JM Wildernesses from the east side of the Sierra Nevada mountains. Most of the special use permits issued to existing commercial pack stock operations have expired or are due to expire in the next few years. In 2005, special use permit applications were received from these seven pack stations. The environmental impacts of the activities, facilities, and operations associated with the permit applications are described in this document and the 2005 Pack Stock Management EIS.

Location

The project is located on the Sierra National Forest in Fresno, Mariposa, and Madera Counties, California.

Two pack stations, Yosemite Trails Pack Station, Inc. (YTPS) and Miller Meadow Inc. dba Minarets Pack Station (MPS) are located on the Bass Lake Ranger District. Their operating areas include portions of Yosemite National Park to the north; Ansel Adams Wilderness to the north, east and south; and portions of non-wilderness National Forest System lands in the vicinity of Fish Camp and Miller Meadow.

There are five pack stations that operate on the High Sierra Ranger District: D&F Stables, LLC (D&F Pack Station), High Sierra Pack Station (HSPS), Clyde Pack Outfitters (CPO), Lost Valley Pack Station (LVPS) and Muir Trail Ranch (MTR). Their facilities and activities are located in the following general areas: Huntington Lake, Lake Edison, Florence Lake, Wishon Reservoir and Courtright Reservoir. Muir Trail Ranch is located on private property within the John Muir Wilderness. Florence Lake Resort is a resort located on the east end of Florence Lake. Muir Trail Ranch and Florence Lake Resort are owned and operated by the same business entity, and both permits are up for renewal.

Operating areas include the John Muir, Ansel Adams, Kaiser and Dinkey Lakes Wildernesses as well as non-wilderness lands on the Sierra National Forest (See Analysis Units Map).

For the purpose of this analysis the project area is divided into sixteen analysis units (AUs), shown in Figure 1.1. The largest analysis unit is the Ansel Adams/John Muir (AA/JM), and comprises Wilderness areas analyzed in the 2005 Pack Stock Management EIS. The other 15 analysis units were not covered in the 2005 EIS. Of these 15, five are within wilderness: Kaiser (KAI), Dinkey Lakes (DIL), Coyote (COO), Helms (HEL), and Nelson (NEL). The remaining ten analysis units are outside of wilderness (see Table 1.1 and map below).

Table 1.1: Analysis Unit Abbreviations and Associated Commercial Pack Stations

Analysis Unit	Abbreviation	Ranger District	Wilderness	Pack Stations
Nelder	NED	BL	N/A	YTPS, MPS
Clover	CLO	BL	N/A	MPS
Edison	EDI	HS	N/A	D&F, HSPS
Chinquapin	CHQ	HS	N/A	D&F, HSPS
Florence	FLO	HS	N/A	D&F, HSPS, LVPS, MTR
Kaiser	KAI	HS	Kaiser	D&F
East Huntington	HNE	HS	N/A	D&F
West Huntington	HNW	HS	N/A	D&F
Coyote	COO	HS	Dinkey Lakes	CPO, D&F, HSPS
Dinkey Lakes	DIL	HS	Dinkey Lakes	CPO, D&F, HSPS
Helms	HEL	HS	Dinkey Lakes	CPO, D&F, HSPS
Nelson	NEL	HS	Dinkey Lakes	CPO, D&F, HSPS
Dinkey Front Country	DFC	HS	N/A	CPO
Tule Meadow	TUL	HS	N/A	CPO
Wishon	WIS	HS	N/A	CPO
Ansel Adams & John Muir	AA/JM	BL HS	AA/JM	All

Figure 1.1 - Map of Analysis Units



1.2 Purpose and Need for Action

There is a need for this action because the current Special Use Permits (SUP) authorizing commercial pack stock services based in the Sierra National Forest have expired or are about to expire. Applications for reissuance have been received from the current permit holders, and there is a need to take action on these applications. Applications were received from: Clyde Pack Outfit, D&F Pack Station, High Sierra Pack Station, Lost Valley Pack Station, Minarets Pack Station, Muir Trail Ranch and Yosemite Trails Pack Station.

There is a need for a trail plan for the Dinkey Lakes Wilderness that accurately identifies a system of trails for all users, and appropriate trail management objectives for each system trail, consistent with the desired conditions articulated in the 2001 Wilderness Plan and the preservation of wilderness character.

In fulfilling these needs the following purposes must be met:

1. Provide high quality, dependable stock packing service as part of a wide range of recreational activities available in geographically distributed areas of the Sierra National Forest. These services would be consistent with the Sierra National Forest Land and Resource Management Plan (LRMP) as amended, the 2005 Pack Stock Management EIS, the

commercial Needs Assessments for the Ansel Adams, John Muir, and Dinkey Lakes Wilderness (Appendix D of the 2005 Pack Stock Management EIS) and the commercial Needs Assessment for the Kaiser Wilderness (Appendix D of this document). The Sierra LRMP states “Provide a broad spectrum of dispersed and developed recreation opportunities in accord with identified needs and demands and meet ROS class objectives shown on ROS element maps”. (pg. 4-1)

2. To develop management direction that allows for a business and operational climate that encourages long term and predictable stability with respect to commercial pack stock operations on the Sierra National Forest.
3. A purpose of this action also includes responding to a Court Order issued in 2001 that required that the Forest Service evaluate the impacts of commercial pack stock operations on the AA/JM Wildernesses prior to issuing permits for these operations. The court ordered that, “The Forest Service shall complete the NEPA process analyzing the cumulative effects of pack stock operations [in the Ansel Adams and John Muir Wildernesses] no later than December 31, 2005 ... no later than December 31, 2006, the Forest Service must complete site-specific environmental analysis under NEPA for each permittee”
4. To provide for maintaining, or progressing towards, desired conditions for vegetation, soil, water, wildlife habitat, heritage resources, social experience, and wilderness character as identified in the Sierra National Forest LRMP, as amended. This includes a new requirement for each permittee to complete a noxious weed management plan to fulfill the intent of standards and guidelines for noxious weed management (USDA, 2004).

There is a need for a trail plan for the Dinkey Lakes Wilderness that accurately identifies a system of trails for all users, and appropriate trail management objectives for each system trail, consistent with the desired conditions articulated in the 2001 Wilderness Plan and the preservation of wilderness character.

5. To meet the intent and deadline set forth in a Settlement Agreement between the Forest Service and the Backcountry Horsemen of California – Kern Sierra Unit (2004). The Settlement Agreement requires that a Trail Transportation Plan for the Dinkey Lakes Wilderness be completed by December 2006.

1.3 Proposed Action

The action proposed by the Forest Service is 1) to respond to applications for SUPs and reissue permits to operators of the existing pack stations and 2) to establish a trails management plan for the Dinkey Lakes Wilderness. This proposed action was developed based on the permit applications, previously permitted services, and known opportunities

for additional services. Included in each proposed SUP are actions needed to improve resource conditions (e.g. fencing, erosion control, noxious weed prevention and control etc.).

Applications were received from: Clyde Pack Outfit, D&F Pack Station, High Sierra Pack Station, Lost Valley Pack Station, Minarets Pack Station, Muir Trail Ranch and Yosemite Trails Pack Station.

The permits would authorize use of facilities and establish commercial pack services and uses that are compliant with existing law, Forest Service policy and LRMP direction. Services proposed by pack stations include full service guided trips (guide remains for the entire trip), dunnage trips (transport of material and supplies), spot trips (transport of people and supplies), day rides and additional services as listed in the individual pack station descriptions in Chapter 2.

The proposed action would provide appropriate use levels. Specifically, the proposed action includes: 1) pack station use allocations in the Ansel Adams, John Muir, Dinkey Lakes, and Kaiser Wildernesses; 2) authorizations of pack station base facilities (including pastures and corrals) and boundaries; 3) allocation of non-wilderness day rides and services; and 4) incorporate existing standards and guidelines for grazing and noxious weeds.

The proposed action would also designate a trail management plan with associated trail system and trail management objectives for the Dinkey Lakes Wilderness that is consistent with the Sierra National Forest LRMP.

1.4 Decision Framework

The decisions to be made by the Forest Supervisor are:

1. whether or not to continue authorizing services and uses by commercial pack stock operators in the John Muir, Ansel Adams, Kaiser and Dinkey Lakes Wildernesses, and on non-wilderness portions of the Sierra National Forest;
2. if the permits are authorized, to determine the extent of operations and facilities that are necessary to meet the desired conditions;
3. Whether or not to approve the Trail Management Plan for the Dinkey Lakes Wilderness and thereby establish a system of trails and associated management levels for the Dinkey Lakes Wilderness.
4. Whether or not the decision would require a Forest Plan amendment.

1.5 Plan Direction

This proposed action and associated analysis are consistent with current management direction and laws, regulations and policies. Listed below are the most pertinent guiding documents.

Sierra National Forest Land and Resource Management Plan (1991). The Forest LRMP contains general management direction applicable to the entire Forest including the wilderness areas. This direction includes multiple use goals and objectives, forest-wide standards and guidelines, management area directions (prescriptions standards), and monitoring and evaluation requirements.

The Forest LRMP has had several amendments that have bearing on this analysis.

Management Direction for the Ansel Adams, John Muir, and Dinkey Lakes Wildernesses (2001) (referred to as the “2001 Wilderness Plan”). The Record of Decision amended the Forest LRMP by establishing management direction for the Ansel Adams, John Muir, and Dinkey Lakes Wildernesses. Desired conditions for visitor use are described through the recreation categories assigned to the landscape. The recreation categories establish standards and guidelines for the experiential components and resource conditions that are to be maintained. They allow for some areas to be heavily managed with high visitor use while other areas are managed for very low use and pristine conditions. These categories and desired conditions are in place to prevent the slow degradation of areas over time. Campsites, use trails, and trail management direction were also established in relation to the recreation category. Standards and guidelines were established for recreational stock grazing, including utilization, range readiness and hydrologic conditions. Allocations of use and rationing mechanism to maintain the desired use levels for both commercial and non commercial visitors were established. The 2001 Wilderness Plan states that the Forests will “provide a transportation system that ensures suitable access for the types and numbers of trail users, protection of resources, and is consistent with management objectives for the areas accessed.” It further states that the Forest will maintain an inventory of system trails with designated “service levels” (nationally known as “Trail Classes”), which consider the three recreation categories for the areas that the trail accesses.

Sierra Nevada Forest Plan Amendment (2004) (2004 SNFPA). The 2004 Record of Decision for the 2004 SNFPA amended the land management plans for the eleven Sierra Nevada national forests, focusing on five problem areas: old forest ecosystems, fire and fuels, aquatic and riparian ecosystems, noxious weeds, and lower westside hardwood ecosystems. Especially relevant for the current EIS are the standards and guidelines for noxious weeds and riparian areas. The amendment established Riparian Conservation Objectives (RCOs); a set of six objectives and their associated standards and guidelines that establish management direction for Riparian Conservation Areas (RCAs). RCAs are defined as areas near water bodies, meadows, and wetland type areas (e.g. springs, fens). The RCOs were developed to protect water quality, aquatic and riparian habitats, and stream, floodplain and watershed condition. Seven Critical Aquatic Refuges (CARs) were established on the Sierra National Forest by this amendment. CARs are subwatersheds that contain either known locations of threatened, endangered, or sensitive species, highly vulnerable populations of

native plant or animal species, or localized populations of rare native aquatic- or riparian-dependent plant or animal species. There is also direction to maintain and restore habitat of riparian dependent plant and animal species. A number of wildlife related standards and guidelines are also in this amendment. These include standards and guidelines for Yosemite toad, willow flycatcher, wolverine, great gray owl, northern goshawk, California spotted owl, fisher, marten and Sierra Nevada red fox.

Trail and Commercial Pack Stock Management in the Ansel Adams and John Muir Wildernesses (2005) (referred to as the “2005 Pack Stock Management EIS”). The Record of Decision amended the Forest Plan by establishing management direction for commercial pack stock and trail management in the Ansel Adams and John Muir Wilderness. This amendment forms the basis for pack stock management in these two wilderness areas by establishing an extensive destination management system, and managing day ride locations and use. Management direction for grazing, overnight holding of stock at designated campsites, number of stock in the wilderness at one time, and trail suitability all combine to further regulate pack stock in these wildernesses. A summary of the specific direction as it relates to each pack station is in Appendix C.

In addition to the LRMP there are several other sources of direction that are important to this analysis:

Water Quality Management for Forest Lands in California: Best Management Practices (September 2000). This document provides guidance for protecting water quality using practices developed by the Forest Service and accepted by the State Water Resources Control Board (SWRCB) and the Central Valley Regional Water Quality Control Board (CVRWQCB).

Section 208 of the Clean Water Act requires that any agency responsible for carrying out any portion of a State Water Quality Management Plan must be designated as a Water Quality Management Agency (WQMA). The State Water Resources Control Board (SWRCB) has designated the Forest Service as the WQMA for National Forest System lands in California. The Forest Service developed this document as part of the Management Agency Agreement between the Forest Service and the SWRCB.

The program described in this publication is accepted by the SWRCB as the method used by the Forest Service to protect water quality. The practices, procedures and program comply with the requirements of Sections 208 and 319 of the Federal Clean Water Act (PL 92-500). They are also within the guidelines of the Water Quality Control Plans (Basin Plans) developed by the CVRWQCB.

Kaiser Wilderness Commercial Pack Stock Needs Assessment (2006). This document evaluates the need and extent necessary for commercial pack stock operations in the Kaiser Wilderness (see Appendix D).

Government-to-Government Consultation

The Forest will work with tribal governments and tribal communities to develop mutually acceptable protocols for government-to-government and tribal community consultations. Tribal governments and communities have been and will continue to be consulted in development of the Strategy and the PA. Vegetation community conditions will be assessed where a specific area has an identified importance to an affected tribe or tribal community. The Forest will consult with affected tribes and or tribal communities to consider traditional and contemporary uses and needs and to identify areas of new or worsening weed infestations and develop plans for appropriate weed control. The Forests will maintain appropriate access to sacred and ceremonial sites, and to tribal traditional use areas. All sensitive and proprietary information to the greatest extent permitted by law will be protected (Sierra Nevada Framework ROD 2001).

1.6 Public Involvement

A Notice of Intent (NOI) to prepare a Draft Environmental Impact Statement for the Commercial Pack Station and Pack Stock Outfitter/Guide Permit Issuance Project and Dinkey Lakes Trail Management Plan was published in the Federal Register on August 9, 2005. The notice asked that comments on the proposed action be received by September 30, 2005. A copy of the Proposed Action was sent to approximately 60 interested parties, and posted on the Sierra National Forest website. In addition to receiving written comments, the Forest Service had an email address for interested public to provide comments. Approximately 60 comments on the proposed action were received. Table 1.2 provides a summary of all comments broken down by response type.

Table 1.2 Summary of scoping responses

Agency	Interest Group	Commercial Pack Station	Individual	Form Letter	Total
2	3	2	31	22	60

The following Native American groups were contacted: Big Sandy Rancheria, Cold Springs Rancheria, North Fork Rancheria of Mono Indians, Table Mountain Rancheria, Picayune Rancheria of Chukchansi Indians, American Indian Council of Mariposa County (Southern Sierra Miwuk Nation), Dunlap Band of Mono Indians, North Fork Mono Tribe, Sierra Mono Museum, Mono Nation, Haslett Basin Traditional Committee, Central Valley Indian Health, Sierra Nevada Native American Coalition, American Indian Center of Central California and Dumna Tribe.

To provide further clarity for the public the name of the document has been changed to Commercial Pack Station Permit Reissuance for the Sierra National Forest and Trail Management Plan for the Dinkey Lakes Wilderness.

A Notice of Availability for the Draft EIS was published on April 24, 2006 and comments were due May 15, 2006. Copies were sent to approximately 60 interested

parties and posted on the Sierra National Forest website. A public meeting was held on May 2, 2006 in Clovis, California. Two people attended. Comments were received from 192 individuals, agencies, interested groups and elected officials. Organized response campaigns accounted for more the 95% of the responses received.

The Central Valley Regional Water Quality Control Board participated in several field visits to pack station facilities.

Table 1.3 Summary of DEIS comments

Agency	Congress-person	Interest Group	Commercial Pack Station	Individual/Business	Individual - Form Letter	Total
1	0	1	2	56	132	192

1.7 Issues

The Forest Service separated the issues into two groups: significant and non-significant. Significant issues were defined as those directly or indirectly caused by implementing the proposed action. Non-significant issues were identified as those: 1) outside the scope of the proposed action; 2) already decided by law, regulation, Forest Plan, or other higher level decision; 3) irrelevant to the decision to be made; or 4) conjectural and not supported by scientific or factual evidence. The Council on Environmental Quality (CEQ) NEPA regulations explain this delineation in Sec. 1501.7, "...identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (Sec. 1506.3)..." The analysis of comments received during scoping and the reasons they were found significant or non-significant may be found in the project record located at High Sierra Ranger District, Sierra National Forest.

The following significant issues were identified through scoping:

Issue #1: Pack Station Permits

There should not be any permits issued for commercial pack station operations on the Sierra National Forest due to social issues and resource concerns.

How the issue was addressed:

- Development of alternatives that range from no use to authorizing use with varying control mechanisms and restrictions.

Issue #2: Type, Level and Location of Use

The type, level and locations permitted for use should protect the wilderness character as well as other resources such as water, soil, vegetation, and wildlife.

How the issue was addressed:

- Different strategies regarding use levels and services authorized are presented in each alternative.
- Analysis of system trails and use trails where commercial pack stock would not be permitted is included.
- Areas of operations, including base and outlying facilities, are addressed and appropriate resource protective measures are prescribed.

Issue #3: Grazing

Commercial pack stock should not be allowed to graze.

How this issue was addressed:

- Grazing prohibitions, restrictions, and allowances are stipulated in the alternatives.
- The no action alternative analyzes the consequences to the environment in Chapter 3 and provides a comparison in Alternatives 2 and 3.

Issue #4: Trail Management in the Dinkey Lakes Wilderness

Trail management as presented in the 2001 Wilderness Plan, Appendix C, was not a suitable “Trail Transportation Plan” and did not properly address the appropriate use, standards, or use levels for the trails within the Dinkey Lakes Wilderness. (Settlement Agreement with the Backcountry Horsemen of California – Kern Sierra Unit)

How this issue was addressed:

- Creation of a Dinkey Lakes Wilderness Trail Management Plan where maintenance levels and type of use on system and use trails are designated.

1.8 Applicable Regulatory Requirements, Required Coordination, Licenses and Permits

Consultation with United States Fish and Wildlife Service

Pursuant to 50 CFR 402.12, the Sierra National Forest received a species list from the USDI Fish and Wildlife Service (USDI Fish and Wildlife Service 2006). The list includes all federally-listed threatened, endangered, and proposed species “that may occur in or be affected by projects” on the Sierra National Forest. .

Consultation with the Advisory Council on Historic Preservation (Council) and the State Historic Preservation Office (SHPO)

A Strategy for Compliance with Section 106 of the National Historic Preservation Act for Issuance of Special Use Permits for Pack Stations on the Inyo & Sierra National Forests (Strategy) was developed to provide interim procedures for inventory and data collection for this project, and was submitted to the Advisory Council on Historic Preservation (ACHP) and the California State Historic Preservation Officer (SHPO). Through a collaborative process with the ACHP and the SHPO, the *Programmatic Agreement Among The Pacific Southwest Region, USDA Forest Service, California State Historic*

Preservation Officer, Nevada State Historic Preservation Officer, & The Advisory Council on Historic Preservation Regarding the Identification, Evaluation & Treatment of Historic Properties within the Area of Potential Effect of Pack Station Operations & One Outfitter Guide Operation on the Inyo and Sierra National Forests, California and Nevada (PA, 2006), which incorporates the Strategy, has been developed specifically for this project. The PA covers potential impacts to heritage resources from the trail plan as well as from commercial pack station operations.

Consultation with interested individuals, organizations, and tribes is ongoing.